

DARTMOUTH CONSERVATION COMMISSION MINUTES – DECEMBER 17, 2019

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THESE MINUTES WERE APPROVED BY THE COMMISSION ON: JANUARY 21, 2020

ATTENDANCE:

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur, Joseph Burke

Absent: Richard Golen, Patricia Sweriduk, Kyle Ross

Michael O'Reilly, Environmental Affairs Coordinator and Karen Aho, Administrative Assistant

Chairman Michael Kehoe opened the hearing of Tuesday, December 17, 2019, 2019 at 7:05 p.m.

ADMINISTRATIVE:

MINUTES of the November 19, 2019 meeting were unanimously approved by the Commissioners present.

Approval of the FIELD TRIP REPORTS of November 19, 2019 meeting was unanimously accepted by those Commissioners present.

Receipt of the Minutes of December 3, 2019 meeting.

FIELD TRIP REPORTS:

1. *CONTINUED Request for Determination of Applicability for Robert and Jane Sylvia to confirm the wetland line on land located at Map 23, Lots 48-1 and 48-2 on Horseneck Road (SITEC)*

Mr. O'Reilly explained that this request is for the purpose of a wetland delineation verification. He explained that the plans received need clarification before moving forward. Mr. O'Reilly recommended to continue the request until the next meeting. Kelly Wilbur motioned to continue the request for determination until January 7, 2020, Richard Mallen seconded the motion. It was unanimously voted.

2. *Request for a Certificate of Compliance for DEP File #15-2424 for Jose Baptista at Map 63, Lot 11-19 on Ventura Drive. (SITEC)*

Mr. O'Reilly informed the Commission that this request is for a Certificate of Compliance. We have received a letter from an engineer that the work has been done in compliance. Mr. O'Reilly performed a site inspection and recommended the issuance of a certificate of compliance. Kelly Wilbur motioned to issue a certificate of compliance with Richard Mallen seconding the motion. It was unanimously voted.

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- 3. Request for a Certificate of Compliance for DEP File #15-2438 for D.F. Pray at Map 84, Lot 8-3 on 256 Samuel Barnet Blvd. (GAF Engineering)*

Mr. O'Reilly informed the Commission that this request is for a Certificate of Compliance. We have received a letter from an engineer that the work has been done in compliance. Mr. O'Reilly recommended the issuance of a certificate of compliance. Kelly Wilbur motioned to issue a certificate of compliance with Richard Mallen seconding the motion. It was unanimously voted.

- 4. Request for a Corrected Certificate of Compliance for DEP File #15-2234 from the Greater New Bedford Regional Refuse Management District for Phase 2, Cells 5 and 6, Map 84, Lot 25 at 300 Samuel Barnet Blvd (Brown and Caldwell)*

Mr. O'Reilly informed the Commission that this request is for a corrected Certificate of Compliance to correct a previous Certificate of Compliance that was erroneously issued to the name of the engineer and not the name of the District. Mr. O'Reilly recommended the issuance of a corrected certificate of compliance. Kelly Wilbur motioned to issue a corrected certificate of compliance with Richard Mallen seconding the motion. It was unanimously voted.

- 5. Request for Determination of Applicability for Gulf Road Management, LLC to determine resource area boundaries on Map 35, Lot 24 on 153 Gulf Road (SITEC)*

Mr. O'Reilly informed the Commission that this application is for the purpose of an extension request for wetland delineation verification. He explained that a field verification had been done on the site and everything is fine. Mr. O'Reilly recommended the issuance of a positive determination for the purposes of wetland delineation verification. Kelly Wilbur motioned to issue a positive determination with Richard Mallen seconding the motion. It was unanimously voted.

- 6. Request for Determination of Applicability for Antonio Rapoza to connect the house to the garage by adding a breezeway on Map 138. Lot 52 on 86 Center Street. (Keith and David Home Improvements)*

Mr. O'Reilly explained that this request is for the purpose of adding a breezeway to a house and connecting it to the garage. He explained that it is a relatively minor project located only within the flood plain and does not anticipate any negative impact. Mr. O'Reilly recommended the issuance of a negative determination. Kelly Wilbur motioned to issue a negative determination with Richard Mallen seconding the motion. It was unanimously voted.

END OF FIELD TRIP REPORT

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
PETER VIEIRA
MAP 27, LOT 21_34
3 SLADES FARM LANE
DEP FILE 15-2487**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L.ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on a Notice of Intent for Peter Vieira who wishes to restore the bordering vegetated wetlands on land located at Map 27, Lot 21_34, 3 Slades Farm Lane. The public hearing was held on December 17, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur, Joseph Burke

Absent: Patricia Sweriduk, Richard Golen, Kyle Ross

It was voted to waive the reading of the public notice.

Mr. O'Reilly explained that due to adverse weather conditions, he and the wetland consultant still need to meet in the field to review the wetland delineation. Mr. O'Reilly requested the hearing remain open until the work can be completed.

An abutter located on 319 Slades Corner Road expressed concerns regarding the wet condition of the property.

Richard Mallen motioned to continue the Public Hearing until January 7, 2020 with Kelly Wilbur seconding the motion.

It was unanimously voted.

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**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
JASON HUTCHENS
MAPS 106 & 107, LOTS 23, 28 AND 13
17 WEST SMITH NECK ROAD
DEP FILE 15-2499**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L. ch.131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw, a Notice of Intent for Jason Hutchens who wishes to construct a single family home on land located at Maps 106 & 107, Lots 23, 28 and Lot 13 on 17 West Smith Neck Road. The public hearing was held on December 17, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur, Joseph Burke

Absent: Patricia Sweriduk, Richard Golen, Kyle Ross

It was voted to waive the reading of the public notice.

Mr. O'Reilly explained that the latest plan received showing the filter strip and the 5 day review has occurred.

Chairman Kehoe motioned to close the public hearing with Richard Mallen seconding the motion. Kelly Wilbur motioned to issue a Standard Order of Conditions according to the latest plan submitted. Richard Mallen seconded the motion.

It was unanimously voted.

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
BRIAN STORER, WINDSONG, LLC
MAP 125, LOTS 19, 19-1 THRU 19-7
OFF JASON DRIVE
DEP FILE 15-2491**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L. ch.131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw, on a Notice of Intent for Brian Storer, Windsong LLC, who proposes a five lot open space residential development on land located at Map 125, Lots 19, 19-1 through 19-7 Off Jason Drive. The public hearing was held on December 17, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur, Joseph Burke

Absent: Patricia Sweriduk, Richard Golen, Kyle Ross

It was voted to waive the reading of the public notice.

The applicant has requested a continuance to January 7, 2020.

It was unanimously voted.

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
BORREGO SOLAR SYSTEMS, INC.
MAP 60, LOTS 2, 2-3, 4, 14 AND 19
451 HIGHLAND AVENUE
DEP FILE 15-2497**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L.ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on A Notice of Intent for Borrego Solar Systems, Inc. who wishes to construct a ground mounted solar photovoltaic array on land located at Map 60, Lots 2, 2-3, 4, 14 and 19 on 451 Highland Ave. The public hearing was held on December 17, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur, Joseph Burke

Absent: Patricia Sweriduk, Richard Golen, Kyle Ross

It was voted to waive the reading of the public notice.

Dean Smith of Borrego Solar represented the applicant. He commented that environmental consultants have delineated the wetlands. The proposal included staying out of the 25 foot no touch buffer zone. Each system is surrounded by a 7 foot chain link fence, locked at all times with gate accessible for emergency purposes. A letter from the stormwater reviewer has been received stating his comments have been addressed. Mr. Smith explained the site will be used as dual use agriculture and as a result special conditions must be met under the state smart incentives program.

Mr. O'Reilly commented the delineation was extensive and has been finalized. The question of an active composting site on property was discussed. Mr. O'Reilly mentioned the plan does not show access to the eastern most solar array field. Mr. Smith responded access would be by an easement from a commercial property on the east. The plan does not show the easement access and Mr. O'Reilly commented that without seeing the actual access on the plan it is not possible to review the impact on the wetlands. Mr. Smith stated that the problematic area can be eliminated from the plan.

Chairman Kehoe requested that the existing composting materials be removed quickly with a condition that no commercial composting allowed on the site. Chairman Kehoe motioned to continue the public hearing until January 7, 2020 to allow time for the submittal of a new plan. Kelly Wilbur seconded the motion.

It was unanimously voted.

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**PUBLIC HEARING
NOTICE OF INTENT
JENNIFER RAINVILLE
MAP 72, LOT 23-6
60 COLD BROOK LANE
DEP FILE 15-25**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L.ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on a Notice of Intent for Jennifer Rainville who wishes to remove trees within the bufferzone and construct a detached garage and shed on land located at Map 72, Lot 23-6 on 60 Cold Brook Lane. The public hearing was held on December 17, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur Joseph Burke

Absent: Patricia Sweriduk, Richard Golen, Kyle Ross

It was voted to waive the reading of the public notice.

Christopher Capone appeared on behalf of the applicant. The wetland line shown along the edge of the intermittent stream has been delineated and approved. DC flags 1 thru DC flag 8 represent the westerly side of the wetland system where all the work is associated with. The proposal is for a garage workshop, 28' x 36' off of the existing driveway to be outside of the 25' no activity area. The garage will have a deck on the second floor with stairwell to access the workshop. Driveway entrance will come off of the existing driveway. The area is under aquifer protection, the roof runoff will direct to an infiltration system to the rear of the house outside the 100 foot bufferzone. A 12' x 16' shed will be constructed further to rear of lot, approx. 30 feet from the existing garage. A silt fence barrier will be added. The property will remain as single family use.

The building department is in receipt of a letter regarding a zoning concern relating to a common drive.

Mr. O'Reilly took a look at the site and raised the question of the grading and how it will prevent runoff from entering neighboring property. Mr. Capone explained he is proposing a gradual slope directing back to wetland system.

Mr. Frank Leal, from 54 Cold Brook Lane, expressed privacy and tree removal concerns.

Chairman Kehoe motioned to continue the public hearing until January 7, 2020 to allow time to receive a DEP File number. Kelly Wilbur seconded the motion.

It was unanimously voted.

**PUBLIC HEARING
NOTICE OF INTENT
MICHAEL PANAGAKOS
MAP 167, LOT 55
385 STATE ROAD
DEP FILE 15-25**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L.ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on a Notice of Intent for Michael Panagakos who wishes to demolish an existing structure and construct a new commercial building with associated parking, drainage and utilities on land located at Map 167, Lot 55 on 385 State Road. The public hearing was held on December 17, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur Joseph Burke

Absent: Patricia Sweriduk, Richard Golen, Kyle Ross

It was voted to waive the reading of the public notice.

Mr. Steven Gioiosa from SITEC Engineering appeared on behalf of the applicant. He explained the subject property is boarded by Speaker Street and State Road. An abandoned dwelling exists on the property. The site is an upland parcel with an intermittent stream that forms a border on the eastern side of the property. A bordering vegetated wetland creates a fringe for the intermittent stream. The applicant wishes to demolish the existing structures on the property. Eliminate access on Speaker Street and create a new curb cut on Route 6. The plan is currently under review with the stormwater consultant.

Mr. O'Reilly explained this is a redevelopment site. The streambank is full of invasive species and this would be a good opportunity to replace with native species to renovate the area. A joint review with DPW is underway.

Chairman Kehoe motioned to continue the public hearing until January 7, 2020 to allow time to receive comments from the stormwater consultant and a DEP File Number. Richard Mallen seconded the motion. It was unanimously voted.

**PUBLIC HEARING
NOTICE OF INTENT
CHRISTOPHER WEST
MAP 95, LOT 3
12 FEATHERBED LANE
DEP FILE 15-25**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L.ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on a Notice of Intent for Christopher West who wishes to relocate a fieldstone retaining wall and filling the area behind it and establishing lawn on land located at Map 95, Lot 3 on 12 Featherbed Lane. The public hearing was held on December 17, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Richard Mallen, Kelly Wilbur Joseph Burke

Absent: Patricia Sweriduk, Richard Golen, Kyle Ross

It was voted to waive the reading of the public notice.

Spencer Lynds from Prime Engineering represented the applicant. The subject property is located south of Nonquit just below the salt marsh, west of the ocean. The proposal is to move the wall back 30 feet to the extent of the no disturb line of the wetland. Silt fencing will be provided for erosion control measures.

Mr. O'Reilly explained that Marc Garrett, wetland consultant, viewed the site. A letter from Site Design Engineering, who represents an abutter, was received stating that the plan submitted does not accurately show the existing condition which encroaches on the abutter property. Discussion ensued regarding whether or not the plan submitted represented actual field conditions.

Chairman Kehoe motioned to continue the public hearing until January 7, 2020 to allow time to receive an accurate plan and DEP File number. Kelly Wilbur seconded the motion.

It was unanimously voted.

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ITEMS FOR DISCUSSION:

- A. Bills:
 - Gus Raposo – stormwater consultant review, 451 Highland Avenue
 - Computer Monitor, Environmental Affairs Coordinator
 - Mileage Reimbursement, Conservation Aide
- B. Enforcement Update – Appraisal for potential acquisition
- C. Violation Ventura Drive Map 63-11-14.
- D. Discuss new fee schedule
- E. Other Items not Reasonably Anticipated by the Chair
- F. This time is reserved for discussion on any topic(s) by commissioners

MEETING ADJOURNED: 8:40 pm

These minutes were tape recorded and are stored digitally in the Town of Dartmouth network folder: G:\CONCOMMINUTES\2019\December 17, 2019 Conservation Minutes; and located in the Conservation Commission Office for listening purposes upon verbal request.

Transcribed By,

Karen Aho, Administrative Assistant

For the Commission